

DOWD, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Vincent B. Curry,	)	
	)	CASE NO. 5:12 CV 887
Plaintiff,	)	
	)	
v.	)	<u>MEMORANDUM OPINION</u>
	)	
Cuyahoga Valley Christian Academy,	)	
	)	
	)	
Defendant.	)	

The Court referred this case to Magistrate Judge Burke for mediation. A settlement was reached at the mediation and, in accordance with Magistrate Judge Burke's order, a joint proposed stipulation of dismissal with prejudice was filed by the parties. ECF 17.

After reviewing the proposed stipulation of dismissal with prejudice, Magistrate Judge Burke recommended that the Court approve the stipulation with one modification. ECF 18. The stipulation provided that jurisdiction be retained by Magistrate Judge Burke to enforce specified provisions of the settlement agreement. Magistrate Judge Burke recommends that the stipulation be changed so that the Court, and not Magistrate Judge Burke, retains jurisdiction over the settlement.

Under the relevant statute:

[T] magistrate judge shall file [her] proposed findings and recommendations under subparagraph (B) with the court and a copy shall forthwith be mailed to all parties.

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of

(5:12 CV 887)

the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

No objections have been filed to Magistrate Judge Burke's report and recommendation.

The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's Report and Recommendation and adopts the same. Accordingly, the parties' stipulated dismissal will be approved subject to the modification recommended by Magistrate Judge Burke.

IT IS SO ORDERED.

August 6, 2012  
Date

s/ David D. Dowd, Jr.  
David D. Dowd, Jr.  
U.S. District Judge